

tober 5, 1967 and may be received into evidence as General Counsel's Exhibit Number 2.

TRIAL EXAMINER: You so stipulate?

[12] MR. ARRUDA: So stipulated, Your Honor.

TRIAL EXAMINER: The stipulation is accepted, and General Counsel's Exhibit Number 2 is received in evidence.

* * *

MRS. ROBBINS: The parties further stipulate that on October 5 Respondent sent a telegram to employee Robert Vasquez which is identical to the telegram marked as General Counsel's Exhibit Number 2, and that Respondent will later in the hearing furnish copy of such telegram, and it may be received into evidence as General Counsel's Exhibit 3.

TRIAL EXAMINER: Do you so stipulate?

MR. ARRUDA: Did you say General Counsel's Exhibit 2 as to Robert Vasquez?

MRS. ROBBINS: 3.

MR. ARRUDA: So stipulated, Your Honor.

[13] TRIAL EXAMINER: The stipulation is accepted, and General Counsel's Exhibit Number 3 is received.

* * *

MRS. ROBBINS: The next stipulation is that on October 5, 1967, Respondent sent a telegram to employee Richard L. Dicus, that General Counsel's Exhibit Number 4 is a true and correct copy of said telegram, and the telegram may be received into evidence as General Counsel's Exhibit Number 4.

TRIAL EXAMINER: Do you so stipulate?

MR. ARRUDA: So stipulate, Your Honor.

TRIAL EXAMINER: The stipulation is accepted.

You intend to offer that now?

MRS. ROBBINS: Yes, Your Honor.

I have here 2 and 4.

TRIAL EXAMINER: Exhibit 4 is a copy of a telegram that you mentioned.

MRS. ROBBINS: Yes.

TRIAL EXAMINER: And there being no objection exhibit 4 is received in evidence, also.

MR. ARRUDA: No objections, Your Honor.

TRIAL EXAMINER: The documents are received, and you will furnish Exhibit 3 as has been stated.

* * *

[14] **MRS. ROBBINS:** We further stipulate that what has been marked for identification as General Counsel's Exhibit 5 is a true and correct copy of an authorization for representation under the National Labor Relations Act, that the signature is an authentic signature of Richard Dicus, and that it was signed on the date it bears, August 23, 1967.

I now offer General Counsel's Exhibit Number 5 into evidence also.

* * *

[15] **MRS. ROBBINS:** General Counsel's Exhibit Number 6, Robert Vasquez;

General Counsel's Exhibit Number 7, Manuel A. Vasquez;

General Counsel's Exhibit Number 8, David Dicus;

General Counsel's Exhibit Number 9, David Poncetta;

TRIAL EXAMINER: Pursuant to the stipulations, each one of the exhibits is received in evidence and marked with the number assigned to each by the General Counsel, and these are received under the same terms of stipulation as the first authorization card was received.

* * *

MRS. ROBBINS: The next stipulation is that at all times material herein, W. Thomas Arruda was an agent of Respondent acting in its behalf within the meaning of Section 213 of the Act.

TRIAL EXAMINER: Do you so stipulate to that, Mr. Arruda?

MR. ARRUDA: So stipulated.

I was the labor advisor and attorney for the company. So stipulated.

TRIAL EXAMINER: The stipulation is accepted.

* * *

[21] **MRS. ROBBINS:** We have agreed to a stipulation, that on September 21, 1967, the Charging Party herein filed a representation Petition in Case Number 31-RC-666 requesting a usage of all truck drivers,—a

unit of all truck drivers, [22] packers, craters, order-fillers, checkers, warehousemen, loaders, helpers and working foremen employed by International Van Lines at its Santa Maria, California location;

Excluding office clerical employees, professional employees, guards and supervisors as defined in the Act, and we further stipulate that this notification of this Petition was received by Respondent on September 25, 1967.

* * * *

[23] TRIAL EXAMINER: All right.
The stipulation is accepted.

[25]

* * * *

BEN H. SANDERS

was called as a witness by and on behalf of the General Counsel, * * *

DIRECT EXAMINATION

* * * *

[26] MR. ARRUDA: We will stipulate that Mr. Ben Sanders is a secretary-treasurer of the union, and we can eliminate preliminaries.

* * * *

Q (By Mrs. Robbins) Directing your attention to the summer of 1967, did your union start an organizational campaign among the employees of moving and storage companies in Santa Maria?

A Yes, they did.

* * * *

[27] MRS. ROBBINS: The parties have agreed to a stipulation that during the first part of August, 1967 an employee in the manufacturing and storing industry in Santa Maria, Mr. Harold Tanore approached Teamsters Local 381 regarding organizing the employees of all of the employers in the moving and storage industry in and around Santa Maria.

Subsequent to this, still in the month of August, 1967, Teamsters Local 381 did begin an organizational cam-

paigned among the employees of some 11, 10 or 11 employers who owned around 23 moving and storage companies in and around Santa Maria.

Certain organizational meetings were held on August 17 and August the 23rd.

[28] TRIAL EXAMINER: The stipulation is accepted up to that point.

[30] Did there ever come a time when you had a meeting when you discussed picketing International Van Lines?

MRS. ROBBINS: Or the possibility of picketing International Van Lines, Mr. Sanders?

[31] THE WITNESS: Yes, I did.

[34] Q (By Mrs. Robbins) When did this meeting take place, Mr. Sanders?

Q (By Mrs. Robbins) Where was the meeting held?

A 117 West Bunny Street in the Carpenters Hall.

TRIAL EXAMINER: What time of the day?

THE WITNESS: Santa Maria, California.

If I recall, it was in the evening.

TRIAL EXAMINER: Who was there?

THE WITNESS: All of the employees of all of the van line companies in Santa Maria.

TRIAL EXAMINER: Go ahead.

Q (By Mrs. Robbins) As nearly as you can recall, Mr. Sanders, what was discussed at this meeting?

A There was a general discussion on the organizational drive and we had been advised that the company—

Q Just tell us what was said. If somebody said this, fine, but no background.

A This was said by myself—

[35] Q All right.

A —to the members attending the meeting that some companies, including International Van Lines had withdrawn their consent to an election, and we were going to

have time to—wanted to have time to check it out to make sure that it was right.

THE WITNESS: Well, we had heard that three companies that we filed elections on had withdrawn their consent to include the International Van Lines. It was not certain about International Van Lines that they had at that time—we wanted—we were going to check it out the following day.

Q (By Mrs. Robbins) Did you on that night make arrangements for a subsequent meeting?

A Yes, we did. We made arrangements that night to hold another meeting on the following night of October 3rd.

Q Where was this meeting held?

A In the same location.

Q Who was present?

A Myself and the members of the Van Lines in Santa Maria.

[36] Q Does that mean the employees of the van lines?

A Employees.

Q Was there a chief spokesman at this meeting?

A Yes, there was.

Q You were—

A Yes.

Q As nearly as you can recall, will you tell us what occurred at this meeting.

A I announced to the employees attending the meeting that we had checked with our legal counsel and found that International Van Lines and the other van lines that we had filed elections on and the companies that had consented to an election had withdrawn their consent for an election.

[38] Did you discuss International Van Lines?

THE WITNESS: Yes, we did.

TRIAL EXAMINER: What was said about International Van Lines?

THE WITNESS: It was said that we would strike them the following morning, because they withdrew their consent to an election.

TRIAL EXAMINER: Go ahead, Mrs. Robbins.

Q (By Mrs. Robbins) Then the next morning did you strike International—

A Yes, we did.

Q —Van Lines?

A Yes.

Q Is that strike still going on?

A Yes, it is.

Q The next morning would have been October 4th?

A That is correct.

* * *

[39]

CROSS-EXAMINATION

Q (By Mr. Arruda) Mr. Sanders, you stated that you contacted your attorney, and he told you that International Van Lines had withdrawn its consent; is that correct?

A Correct.

Q Did he explain to you what—incidentally, when you were referring to “consent”, were there any documents prepared by myself in behalf of the company or before the National Labor Relations Board consenting to an election, that you know of?

A I don't know.

Q You do not know that?

A I don't.

Q You stated that you talked to your attorney on October 3rd and you checked this out with him. He advised you that the International had withdrawn its consent.

A Correct.

Q Did your attorney advise you where he got this information from?

A If I recall correctly, I believe he said that he had gotten in touch with the National Labor Relations Board. I don't recall the name of the person at the National Labor Relations Board, and he had been told that you had gone in and withdrawn all of the consents to the elections on the three petitions that had been filed.

[43] Q (By Mr. Arruda) These pickets were placed in the front or in and around the premises of International Van Lines; is that correct?

A Correct.

[44] A That we placed pickets on International Van Lines.

Q On the basis of the information you received from your attorney on October 3, 1967; is this correct?

A That is correct.

. . . .

[45]

REDIRECT EXAMINATION

Q (By Mrs. Robbins) Mr. Sanders, I believe Mr. Arruda asked you if the information that you received from your attorney was the reason pickets were placed on International Van Lines, and you answered yes.

Was this the sole reason?

A No.

. . . .

Q (By Mrs. Robbins) What were the other reasons?

A The other reasons, other employees from other companies were being dismissed.

. . . .

[46] MRS. ROBBINS: Excuse me, Mr. Arruda. They may have picketed because the sky turned black, and International Van Lines didn't have anything to do with it, but it is still the reason why.

MR. ARRUDA: What does that have to do with International?

TRIAL EXAMINER: I will overrule the objection, and I will let it stand. I am letting it stand on the basis it is no reason whatsoever that I can see under the law for picketing International Van Lines.

. . . .

TRIAL EXAMINER: Overruled. I will let the answer stand, because the answer illustrates that the basis for the picketing at International Van Lines appears now to have been on the basis of information, the correctness of which this man knew nothing about, and because somebody other than International [47] Van Lines had fired some employees, and as far as the law is concerned, I do not consider that as any sort of an adequate reason for

this picketing, and I will let it stand for that reason. It is definite evidence that the union in regard to International Van Lines, according to this point in the proceedings, acted without any proper reason.

* * *

BEN H. SANDERS

was recalled as a witness by and on behalf of the Respondent * * *

[48]

DIRECT EXAMINATION

Q (By Mr. Arruda) Mrs. Sanders, General Counsel's Exhibits—I believe they have been identified as Exhibits 5, 6, 7, 8 and 9, authorization cards, did you have anything to do with securing these authorization cards?

A In what respect?

Q Obtaining—

A Actually getting them signed?

Q Yes.

A No, I did not.

* * *

[49] TRIAL EXAMINER: Strike the answer.

Q (By Mr. Arruda) Did you personally contact the Employer?

A No, I did not personally.

Q Did any representatives, to your knowledge, contact the Employer?

A What are you referring to as a representative?

Q Mr. Murray.

A No, not Mr. Murray, no.

TRIAL EXAMINER: Did any officer of the union approach the Employer?

THE WITNESS: No officer of the union approached the Employer. Mr. Tanore approached the Employer, as I understood.

MR. ARRUDA: I move that be answered, as Mr. Tanore is not an employee of the union.

THE WITNESS: He sure is not, and never will be.

Q (By Mr. Arruda) Mr. Sanders, on what basis did you file a petition for an election with the National Labor Relations Board?

[50] THE WITNESS: We had 100 per cent.

Q (By Mr. Arruda) How did you determine that you had 100 per cent?

A By the employees working for International Van Lines.

Q Did you check the payroll record of the employees to determine who was eligible and who was not eligible to vote?

A No, I did not.

Q Would I be correct in saying then, you unilaterally took it upon yourself to see that you had 100 per cent of the majority of cards without even bothering checking the record of the employer?

A That would have been impossible. You know it, and I know it. That is a rather stupid question, I think.

Q It may be stupid, but it is a legal question.

TRIAL EXAMINER: Strike that out. No argument between counsel and witness.

MR. ARRUDA: I do not want to argue with the witness. I am asking a specific question.

TRIAL EXAMINER: Ask the question, and I will strike out any answer which is not a specific answer.

MR. ARRUDA: Would you mind answering my question?

THE WITNESS: What was your question? Will you state your question again?

MR. ARRUDA: Would you read that back, Mr. Reporter.

TRIAL EXAMINER: Read the question.

[51] (Question read.)

TRIAL EXAMINER: Do you understand the question?

THE WITNESS: I understood from the other employees of International Van Lines that we had 100 per cent of the employees signed up at International Van Lines.

Q (By Mr. Arruda) Mr. Sanders, you based the reason for filing the petition solely on what other employees had told you; is this correct?

A That is correct.

Q And you never contacted Mr. Robert McEwan or John McEwan?

A I did not personally, no.

Q Or any one of your delegated representatives?

A Not that I know of.

* * *

[52]

RICHARD DICUS

was called as a witness by and on behalf of the General Counsel * * *

DIRECT EXAMINATION

* * *

Q Are you the same Richard Dicus that worked for International Van Lines in and up to October 4, 1967?

A Yes, ma'am.

Q When did you first start working for International?

A February of 1963.

Q What was your job there?

A Driver.

Q Did you work as a driver all of the time that you worked at International Van Lines?

[53] A Yes, ma'am.

Q And you are the Richard Dicus that received a telegram from International Van Lines on October 5—

A True.

Q —saying you had been permanently replaced?

A Yes.

* * *

Q Mr. Dicus, if you know, about how many employees worked regularly all year around at International Van Lines while you were working there?

A Well, we had anywhere from four to six men all the time, and sometimes quite a bit more.

Q Is there any one time of year when there were more employees working?

A. Yes.

MR. ARRUDA: We are prepared to stipulate from approximately April or March—May, rather, May through September, which is the peak season in the moving industry in the Santa Maria and Lompoc area, that the Employer employs more than just “four to six”, that the witness has testified to.

MRS. ROBBINS: That is May to—

[54] MR. ARRUDA: Approximately May to the early part of September of each year.

MRS. ROBBINS: All right.

And is it correct, Mr. Arruda, that business starts picking up in May, but does not really get heavy until after school, June, July?

MR. ARRUDA: Approximately July, and then it starts to dissipate or take a noted dive, say, the first week or second week of September, right down to nothing.

MRS. ROBBINS: All right.

I will so stipulate.

TRIAL EXAMINER: All right. The stipulation is accepted.

Now, I think you had better have some limits on this. At the low season it is how many, and at the high season, approximately how many?

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[56] TRIAL EXAMINER: On the record.

As I understand it, in an off-the-record discussion counsel have agreed that there is a seasonal change in the number of employees employed by International Van Lines, and that counsel will prove that fluctuation is from a low to a high.

MRS. ROBBINS: Your Honor, I believe the stipulation went further than that.

TRIAL EXAMINER: And as I understand it, the fluctuation occurs from about the end of June until about the beginning of September, that being the months in which much work is done for the Air Force moving in and out of the air base over at Vandenberg Air Force Base.

Correct?

MR. ARRUDA: Correct, Your Honor.

MRS. ROBBINS: That is correct.

TRIAL EXAMINER: The stipulation is accepted to that extent.

[74] Q (By Mrs. Robbins) Mr. Dicus, on October 4, 1967 did you go to International Van Lines office and warehouse, their building, on October 4?

THE WITNESS: Yes, I did.

Q (By Mrs. Robbins) About what time of day was it?

A About 15 minutes until seven.

Q Would you tell us what occurred after you got there, Mr. Dicus?

TRIAL EXAMINER: Is this morning or afternoon?

[75] THE WITNESS: It is in the morning.

Well, when I got there, there was two men picketing in the front of the building, and I stood there for a minute, and Mr. Meador came to the office door and I asked him, "What goes here?"

And he says, "I don't know." And he turned around and went back in the office. And then it was just a few minutes later until Mr. Bob McEwan drove up and he went into the warehouse and came back out with a cup of coffee in his hand, and said, "Where is your union contract?"

He says, "I have not even seen a union contract."

And I said to Mr. McEwan, I said, "Well, Bob, we was told that at the union meeting last night, and also by the pickets that your name had been withdrawn from an election, and all we wanted was a chance to vote against it or for it."

And I asked Mr. McEwan if—no—he says, "I had not pulled my name. I have not withdrawn my name for an election."

And he looked very surprised whenever I said it to him, and I asked him then if I could come in the office and call the union, and that we could have a contract out there in about 10 minutes, and if he would look it over,

and he told me, "Hell, no. I am not signing anything." And he went back [76] into the office.

Q (By Mrs. Robbins) Was anyone else present during this conversation with Robert McEwan?

A Well, yes, ma'am. Mr. Manuel Vasquez arrived then, and Sal Casillas, C-a-s-i-l-l-a-s, Mr. Robert Vasquez was there, and there was other men that I don't recall their names, because we had quite a crew coming in that day to do some office moves.

Q Did you walk the picket line in front of International Van Lines, Mr. Dicus?

A No, I did not.

Q At no time?

A No, ma'am.

TRIAL EXAMINER: When you had the conversation, you just told us, were the pickets there?

THE WITNESS: Yes.

TRIAL EXAMINER: The place where you had the conversation?

THE WITNESS: Yes.

TRIAL EXAMINER: Did you know the pickets?

THE WITNESS: Did I know the pickets?

TRIAL EXAMINER: Yes.

THE WITNESS: Just by sight. I don't know the gentlemen well.

TRIAL EXAMINER: Were they employees of International Van Lines?

[77] THE WITNESS: No.

TRIAL EXAMINER: I am sorry. One other question. This conversation where you were standing when the conversation took place, I did not get whether Mr. McEwan came out to the picket line or whether you went out the door.

Where did it occur?

THE WITNESS: Out where we park our cars. Mr. McEwan came out there.

TRIAL EXAMINER: All right.

And then the men gathered around him, and you had this conversation in a group?

THE WITNESS: Yes.

Q (By Mrs. Robbins) Mr. Dicus, did you picket anywhere else?

A Yes, ma'am, I did.

I went down to a telephone about a mile from there, and I called the union office, and I believe Mr. Murray answered the phone, and I told him what Mr. McEwan had said, and I thought maybe if they would come out and show him a contract or talk to him about a contract, that he might consider it.

And I was told then, again, that his name had been withdrawn, and for me to go over to Valley Van & Storage.

[78] Q And that is where you picketed?

A Yes, sir.

Q Have you had any conversations since then with Mr. Robert McEwan, either about the union or about you getting your job back?

A Yes, ma'am.

Q One, or more than one?

A I recall three occasions.

Q When was the first one, as nearly as you can recall?

A While Mr. McEwan was in the hospital.

Q But when was this?

A I would say October 8th or 9th.

Q Was anyone else present?

A Mr. McEwan's father.

Q As nearly as you can recall, what was said?

A Well, mostly talk about Mr. McEwan's illness, and also—

Q How about the union and your job?

A Well, I asked Mr. McEwan if I was going to have a job or not, and he told me that he just did not know. He said he did not know how this thing was going to come out. He could not say whether I would have a job or not.

Q What else was said, if anything, about the union or about your job?

A That is all I can recall.

Q When did the second conversation take place?

[79] A Well, I am not sure as to the date. It was after Mr. McEwan got out of the hospital and he came back to work.

Q Do you recall what month it was?

A It was in October, the latter part of October.

Q Where did this conversation take place?

A In Mr. McEwan's office.

Q Was anyone else present?

A Yes, ma'am. My wife and Mr. Meador.

Q As nearly as you can recall, what occurred?

A Well, really about the same thing, as far as union is concerned. I asked Mr. McEwan if I was going to have a job, and he told me practically the same thing.

He says, "I don't know. I don't know how this thing is going to turn out." He says, "As far as I am concerned, it is the principle of the thing." That was just about the extent of the union talk.

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Q (By Mrs. Robbins) What I am trying to find out, Mr. [80] Dicus, if you recall, did you ask him could you go back to work then, or were you asking him about getting back to work after the strike was over, or any other time?

A This particular time I asked him after the strike was over.

TRIAL EXAMINER: What did he say?

THE WITNESS: He said he just did not know how this was all going to turn out, and he just could not tell me right now.

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[81] Q Did there come a time when you asked to have your job back, Mr. Dicus?

A Yes, ma'am.

Q When was this?

A It was in December before Christmas. Mr. Vasquez, Robert [82] Vasquez,—

Q Can we place it a little better than just before Christmas?

Do you recall whether it was very close to Christmas or close to the first of December?

A I believe it was around the 12th of December.

Q The 12th of December?

A Yes, ma'am.

Q To whom did you talk about getting your job back?

A To whom did we talk?

Q Yes. Whom did you ask?

A We asked Mr. McEwan.

Q That is Mr. Robert McEwan?

A Yes, ma'am.

Q Who was present?

A Mr. Manny Vasquez and Mr. Robert Vasquez and myself.

Q Was this Manny Vasquez, Robert Vasquez there when you arrived, or did you go together?

A No, ma'am. We went together. We had discussed it before, and decided to go out there and see if Mr. McEwan would give us our jobs back.

Q As nearly as you can recall, would you tell us what was said, and who said what?

A Well, Manny Vasquez asked Mr. McEwan if he would consider giving us our jobs back.

[83] And Bob says, "No." He says, "I cannot do it." He says, "I got men working for me that stuck by me through all this thing, and I just cannot go out there and fire them."

He says, "How would you guys feel if I put you back to work, and two or three weeks from now do the same thing to you?"

Of course Mr. McEwan always told us his door is open. If we care to come back, he would talk to us, but at the time, he said, he could not do it or would not do it.

He said he had four, five men working, but one of them had made him mad, and he said, "I did not fire him, because he had stuck by me through all this."

And we told him, well, there wasn't any hard feelings. We came out to talk to him, to try to get our jobs back, and that was about it.

Q Did you attend the October 3 union meeting?

A Yes, ma'am, I did.

Q Did you attend the one the night before, on October 2?

A Yes.

Q Did you attend the union meetings in August and September of 1967?

A I am sure that I was at all of the union meetings, yes.

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CROSS-EXAMINATION

[92] Q You testified that on October 4, 1967 when you were going to the office or going to work, rather, you saw these pickets, and Mr. Meador appeared in the office, and you asked what goes here?

A That is true.

Q What did you mean by that question? Can you tell me?

A I was refering to the men carrying the picket signs.

Q And you did not know there was a strike going on?

A So help me, I did not.

Q Sir, you further testified later on that you attended a meeting of October 3, 1967 at the union hall.

A That is true.

Q Was there any discussion had concerning the pickets to be placed around International Van Lines?

A None whatsoever.

Q There was none whatsoever?

A That I heard anything about.

Q Did you attend that meeting?

A Yes, I did.

Q Did you hear the testimony of Mr. Sanders here this morning concerning what was discussed on the meeting of October 3, 1967?

[93] A Yes, I did.

Q Wasn't the name of International Van Lines brought out during this meeting?

A Yes, sir. Mr. Arruda, what you do not know, I left the meeting before it was over with.

Q What time did you leave?

A Well, I don't have any idea what time it was, but my son and Mr. Manuel Vasquez walked out of that union meeting about half way through it, I suppose.

[94] A As far as I know there wasn't anything said on International Van Lines. International Van Lines' name was not mentioned. It was mentioned—there were three companies—

[95] Q Was International Van Lines mentioned at all during this meeting, during the time that you were there?

A Not that I recall, no, sir.

Q Wasn't there discussion about putting a picket line around International Van Lines at this meeting?

MRS. ROBBINS: I object. The witness said he did not recall International Van Lines being mentioned.

TRIAL EXAMINER: I will let the question go once more.

Do you mind answering that question, please?

THE WITNESS: Would you repeat it, please?

MR. ARRUDA: Read it back, please.

TRIAL EXAMINER: Read the question.

(Question read.)

THE WITNESS: No, sir, not that I heard.

Q (By Mr. Arruda) I ask you this, sir:

What caused you to walk out of this meeting?

A Well, we had been told that we were butting our heads up against a brick wall. We was not making some progress by talking to the employees, but the three people we had had consented to an election had withdrawn their names.

Q Was International Van Lines mentioned, who had withdrawn their consent to an election?

A Not at this meeting, no, sir.

* * *

[117]

ROBERT VASQUEZ

was called as a witness by and on behalf of the General Counsel * * *

* * *
DIRECT EXAMINATION
* * *

Q (By Mrs. Robbins) Are you the same Robert Vasquez that worked at International Van Lines?

A Yes, I am.

[118] Q When did you start working for International, Mr. Vasquez?

A About three years. I don't know exactly the date.

Q Did you thereafter work for International Van Lines up to October 4 of 1967?

A That's right.

.

[120] Q Did you receive a telegram in October the 5th from International Van Lines?

A Yes, I did.

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[122] Q (By Mrs. Robbins) Mr. Vasquez, on October 4, did you go to the International Van Lines warehouse?

A Yes, I did.

Q Would you tell us what occurred after you arrived?

A Well, I left home about 15 until, 15 after 7:00, and I got there about—just starting to work time, 7:30, and Mr. Dicus, Mr. Richard Dicus and Mr. Many Vasquez, Jr. and Chuck Casilio—I mean, Casilio and Chuck—came out of the office, and he said, Mr. Dicus asked him, "What goes"?

And I don't know—and he turned around and closed the door and went inside, and then in a few minutes Mr. Bob McEwan came in, and he went inside the office and come back with a cup of coffee, and then Mr. Dicus asked him what happened, and then Mr. Dicus asked him, did he hear they had [123] withdrawn the elections. And then Mr. Dicus told him about seeing the contract, and he asked him—

Q Told him what about seeing the contract?

A What is that?

Q Told him what about seeing the contract?

A Seeing the contract, union contract.

Q Mr. Dicus said something to somebody about—

A To Mr. McEwan, yes.

Q All right.

Now, what did Mr. Dicus say to Mr. McEwan?

A He said, if he would like to see the contract.

Q Yes?

A And then Mr. McEwan turned around said, "Hell, no." And he walked out.

Q Mr. Vasquez, did you ever ask to have your job back?

A Yes, I did.

Q When was this?

A December 12.

Q Was this Mr. Robert McEwan that you asked?

A Right.

Q Where did this conversation take place?

A In his office.

Q Was anyone else present?

A Yes.

Mr. Manny, Jr.; Dicus and Mr. Bob McEwan, and me.

[124] Q Who was Manny, Jr.?

A I mean, Sr.

Q Is that Manny Vasquez, Sr.?

A Yes.

Q Did the three of you go together?

A Right.

Q As nearly as you can recall, would you tell us what was said and who said what?

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MR. ARRUDA: In order to expedite the examination of this witness, would he testify the same as Mr. Dicus testified as to the meeting of December 12, 1967 where the three of them were together and asked for their jobs back?

If he would testify identical to that of Mr. Dicus, we would stipulate to that matter.

.

A Well, Manny asked him about us coming back to work, asked for our jobs back, and then he said, no, that he cannot give us our job because he had somebody else in our place. And it was not fair for the other man, and that how we [125] would like to be in their place and get laid off the same way. And then he said, not right then. They had no job for us and that we could be friends and come to the office any time we like, like this.

.

On the morning of October 4, when you went down to the plant or down to the place of business of International Van Lines, did you see a picket down there?

THE WITNESS: Yes, I did.

TRIAL EXAMINER: Was the picket carrying a picket sign?

THE WITNESS: Yes, they were.

TRIAL EXAMINER: What did the picket sign say on them?

THE WITNESS: It said "UNFAIR TO UNION LOCAL 381, INTERNATIONAL VAN LINES, NO CONTRACT."

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[126] TRIAL EXAMINER: Did you know these pickets? Did you know who the pickets were?

THE WITNESS: I do, yes, but I cannot—I don't know them by name.

TRIAL EXAMINER: They were employees of International Van Lines?

THE WITNESS: No, they were not employees of International Van Lines.

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[128]

REDIRECT EXAMINATION

Q (By Mrs. Robbins) Mr. Vasquez, did you walk the picket [129] line?

A Yes, I did. I still am.

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[150]

SALVADORE CASILLAS

was called as a witness by and on behalf of the General Counsel

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[151]

DIRECT EXAMINATION

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Q Mr. Casillas, did you work for International Van Lines at any time in 1967?

A I did.

Q When did you start working?

A About September 20 something, I think it is. I am not positive on the dates.

Q During the last 10 days of September?

A That is correct.

TRIAL EXAMINER: Is this 1967?

THE WITNESS: Right.

Q (By Mrs. Robbins) Mr. Casillas, were you notified to come to work on—were you notified prior to October 4 to come to work on October 4?

A Yes, I was.

Q Who notified you?

A Chuck.

Q Is that Mr. Chuck Meador?

A That is correct.

Q Did you go to work at International Van Lines on October 4?

A I did not.

Q Did you go to the building on October 4?

[152] A I did.

Q Was a picket line up when you arrived?

A Yes, there was.

Q I gather by your saying you did not go to work, you did not cross the picket line?

A That is correct.

MRS. ROBBINS: Mr. Arruda, if you are still willing to stipulate that Mr. Casillas and Mr. Manny Vasquez would testify the same as Mr. Richard Dicus, as to the conversation that took place with Mr. Robert McEwan on the picket line, I would like to.

MR. ARRUDA: I would like to establish—have you established a time that he got there, so on and so forth?

As far as the conversation, yes, I am prepared to stipulate, but I would like to have him establish a time and so on.

MRS. ROBBINS: All right.

Q (By Mrs. Robbins) Mr. Casillas, what time did you get to International Van Lines?

A Seven o'clock.

Q Around seven o'clock?

A Yes.

It could be five after.

Q Who was there when you arrived?

A Richard Dicus, Manuel Vasquez.

[153] Q Were you there when Mr. Robert McEwan came up and had a conversation with some of the employees?

A That is correct. That would be around seven-thirty, though.

Q Who was present at that time?

A That would be Manny Vasquez, Robert Vasquez, Richard Dicus and myself.

MRS. ROBBINS: Is this what you wanted established, Mr. Arruda?

MR. ARRUDA: Yes.

MRS. ROBBINS: Then, I gather that counsel will stipulate that if Mr. Sal Casillas testified and if Mr. Manny Vasquez was called to testify about the conversation between Robert McEwan and other employees, at some time between 7:00 and 7:30 in the morning of October 4, they would testify the same as Mr. Richard Dicus testified?

MR. ARRUDA: This is correct.

Manuel Vasquez, Sr., also.

MRS. ROBBINS: Right.

MR. ARRUDA: And Robert Vasquez.

MRS. ROBBINS: Mr. Robert Vasquez has testified.

MR. ARRUDA: Yes.

MRS. ROBBINS: Yes.

TRIAL EXAMINER: The stipulation is accepted.

Q (By Mrs. Robbins) Mr. Casillas, did you walk the picket [154] line at International Van Lines?

A No, I did not.

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[156] Q (By Mrs. Robbins) Mr. Casillas, did you attend the union meeting on October 3, 1967?

A I did.

Q Do you recall anything being said about International Van [157] Lines or picketing or strike at International Van Lines?

A I do.

.

Mr. Moore told us that there could be a reason to have this thing worked out and that he would do all he could, but he could not think of a solution to the problem of the strike.

We asked Mr. Moore to see if he could contact the rest of the employers in Santa Maria and maybe talk with them and see if they could find the problem—I mean, find a solution to this whole problem of the strike and maybe they could think of something.

Mr. Moore said he was sure glad to go over there, and he said possibly later, after talking to the employees, that we could come up with something, but he could not for sure think of anything at that moment.

* * * *

[253] TRIAL EXAMINER: What did you tell to Mr. Moore?

THE WITNESS: That we talked to Mr. McEwan and had asked him to sign a contract and that we wanted the strike settled and that we did not see why we could not sit down and talk about the contract, and he said that he could not do anything himself, but that he was going to consult his attorney and see what he could do, that he would—I was supposed to call him back and find out if we could talk again or have a [254] meeting of some kind.

* * * *

[255] THE WITNESS: We walked in, and we told Mr. McEwan that we were there to see if we could find some kind of a settlement on this strike deal, and Mr. Dicus did most of the talking naturally. We told him, or Mr. Dicus told him maybe we could reach some kind of a settlement there, and where we could all go back to work.

* * * *

THE WITNESS: We would like to see if we could make a settlement where we could all go back to work and maybe we could sign a contract, and Mr. McEwan told us that he could not—he was going to think about it and—

TRIAL EXAMINER: Did he say something about talking to [256] his lawyer, too?

THE WITNESS: Yes.

He had to get in touch with his lawyer. He could not make any arrangements or agreements of any kind until he talked to Bill—I guess that is Mr. Arruda, and—

.

TRIAL EXAMINER: All right.

Now, you mentioned, sign a contract.

Did you have any contract with you?

THE WITNESS: No, we did not have a contract with us. We had another meeting with Mr. McEwan afterwards.

TRIAL EXAMINER: When you talked about a contract, what did you mean?

Was that a Union contract?

THE WITNESS: A Union contract, yes.

We did tell him that maybe we could avoid going through this hearing, the hearings, and we told him maybe we could make the settlement out of, you know, out of court, and maybe he would make some kind of an agreement to eliminate all this.

.

[257] A The previous meeting we had with Mr. McEwan, we had talked to him about a contract, and he told us that—we told him if we could show him a contract, and he says, "Fine, bring it with you the next time you come to see me."

So I think it was the following day we went, and we showed him the contract, and then he looked it over and he [258] told us he did not like some of the things in the contract, that he did not like the pension plan; he did not like the wages, he did not like the holidays.

So we talked to him about, you know, he told us again, he could not, he did not like the contract, and he could not sign the contract. He could not live with it, because there was too much in there for the employees and nothing for the Employer, and we told him that if he did not think he could live with that contract, that maybe he could write on there what he thought he could live with and make notations what he could live with on the wages less than what the amount said on the contract.

And we told him that maybe he should tell us what holidays he could allow on the contract, and we told him that we would go back to the hall and talk to somebody over there, Mr. Sanders or somebody in the hall, and tell them what Mr. McEwan had told us about the contract, and he mentioned again that maybe we can talk to him later again, but he could not do anything himself without Mr. Arruda's—Bill's—Mr. Arruda, I guess, without him being present.

* * *

[281] Q (By Mr. Arruda) Did you discuss—tell us, to the best of your recollection everything that was said, what you said, what Mr. Manuel Vasquez, Sr. said, and what Mr. Moore said during this meeting of March 28, 1968?

A Well, I remember we was—let's see. We was there [282] earlier, I believe, and we asked—well, Mr. Moore was not there, so we went back and we told the lady in the office we would like to talk to Mr. Moore and Mrs. Phillipps. So we went in after we came back the second time, and, why, Arley said, "You want to talk to us?"

And I believe I said, "Yes, we would."

I told Mr. Moore, I says, "We are putting our head up against a brick wall here in this union matter, and we would like to know if you have a solution that can bring it to a head and get us all back to work?"

And we asked Mr. Moore or I asked Mr. Moore if he could talk to the other carriers and see if they could come up with something, that I was sure they were as anxious to get it over with as we were, and I said to Mr. Moore, I says, "Now, I understand that everybody is mad at the union officials here in Santa Maria, and they don't even want to talk to them. If this is the case we can get somebody from out of town from Monterey, Los Angeles or any place to come in and talk and to negotiate a contract,"

* * * well, now, the pension plan in your business contract is one of the best I have ever heard of, but there is other things in it that I just cannot see. He asked if we ever thought about—or forming our own union, and we told him that we did not know anything about these things. We did not even know whether it could be done

or not. That we was open for [283] suggestions, for anything that could be done about this. We told him we was sincere about being there, and if he or Mrs. Phillipps could help us, to come to some sort of an agreement on a contract or something, we would more than appreciate it.

Q Anything else, sir?

A Well, there was talk—they praised one of the boys that worked for them, that is out on strike. That was part of the conversation.

Q Did he not praise you?

A Yes, he did.

Q Dicus and Mr. Manuel Vasquez?

A Yes.

Q As good workers and so forth?

A He certainly did, and I am real proud of it.

Q Will you proceed, sir.

A Yes, sir.

I might mention that Mrs. Phillipps also said, she says, "You boys look a lot better here in the office than you do out on the sidewalks."

She says, "I am real proud of you," and Mr. Moore said practically the same thing. He said that we were missed in the moving business, and he hated to see us not working, and that he would try to talk to the rest of the employers and see if something could be done about the situation. He could only speak for his place. He thought that we would be [284] better off by talking to Mr. McEwan.

Q You had talked to Mr. McEwan that morning?

A Yes.

Q Would you continue, please, in regards to your meeting or conversation with Mr. Moore on March 28, 1968, please.

A Well, I believe I did say something about we hated this thing. It happened—we did want to help McEwan—well, that is about all I can remember, Mr. Arruda.

TRIAL EXAMINER: Did you have a form of the contract there with you?

THE WITNESS: At Mr. Moore's?

TRIAL EXAMINER: Yes.

TRIAL EXAMINER: Had you had a form of the contract with you at Mr. McEwan's earlier that day?

THE WITNESS: No, sir.

Mr. McEwan asked us to bring a contract in the next day, and he said we would sit down and go over it and see if he could find anything in it that he could live with, and we could live with.

TRIAL EXAMINER: Did you get the contract and take it back to him the next day?

THE WITNESS: Yes, we did, sir.

. . . .

[308]

. . . .

ROBERT L. McEWAN

was called as a witness by and on behalf of the Respondent, . . .

. . . .

[309]

DIRECT EXAMINATION

. . . .

Q By whom are you employed?

A International Van Lines.

Q In what capacity are you employed?

A President.

. . . .

[310] **Q** In July of 1967, did you have occasion to buy International Van Lines?

A Yes.

Q From whom, sir?

A From Mr. A. J. Smith.

. . . .

[325] **Q** Can you tell us, sir, what happened on October 4, 1967 at your place of business?

A Well, I got a call from Chuck Meador.

Q Approximately what time did you receive a call from Mr. [326] Meador?

A Approximately a quarter to seven. He told me—

TRIAL EXAMINER: In the morning?

THE WITNESS: Yes.

He told me that we had pickets at our place, and he says, "I wish you would come down right away." You see, I got there about a quarter after seven, so I was dressed at that time. So I just hurried up and came right down, and arriving at my office at seven, five after, right at this point, I went into the office; and I asked Chuck, I said, "Do you know anything?"

And he said, "No."

There were two pickets walking back and forth in front of my office—

Q Do you know who the pickets were?

A I do not.

Q Was there anyone else there in front of your office?

A There were five men, five across the street where they parked their cars.

Q Who were these five men? Do you know?

A There was Richard Dicus, Manuel Vasquez, Sal Casillas, Robert Allen, and I don't know this fifth man.

Q You do not know this fifth man?

A Right.

Q Was the fifth man Robert Vasquez—

A No.

[327] Q —who testified here yesterday, sir?

A No.

Q What was said? What did you do when you approached the men?

A I walked across through the picket line, across the street and went up to the men.

I told them, I said, "We have a job to do. Are you going to go to work?"

And they said, "No, we don't have a contract. We cannot cross the picket line."

And I said, "I don't see how I can sign a contract if I don't have one," and they says, "Do you want us to get you one?"

And I said, "Not at this time," and with that, I walked back into my office.

Q What else happened right after that? Can you tell us? Did anything happen after that?

A About 20 after 7:00 I was standing in Mr. Meador's office debating on what I was going to do with this Federal Electric job, and I was looking out, and I seen

Robert Vasquez's car coming down the road. He came down as far as the middle of the building, turned around and went back.

Q How do you know it was Robert Vasquez?

A I seen him in this windshield. He was close enough to see who was driving.

Q What type of car was he driving?

[328] A A red El Camino Chevy.

Q Did Mr. Vasquez get out of his car at any time?

A No, he never stopped his car.

Q When I say, "Vasquez," I am referring to Robert Vasquez. Did Robert get out of his car at any time?

A No, he never stopped his car to get out.

Q Were the five men that you have identified above, there when Robert Vasquez came down to his car and turned around?

A No, they had left.

Q What did you do next, sir?

A I had to wait until eight o'clock to call Federal Electric and postpone this office move. I did not have the men.

Q When did you postpone it?

A In the meantime I tried to call around to see if I could find any men. I could not, but at eight o'clock I called a Mr. Dorsey Castle at Federal Electric and stated that the situation, that we had pickets. They had put up a strike against us, and that my men would not go to work, and I was wondering if we could get the job postponed, if I could find men that morning.

And he said, "Yes, call me back."

And I turned around and tried to call Mr. Meador, tried to call Unemployment. We tried every place to get qualified men to do this job.

[329] Q You did this on October 4?

A Yes. We could not find help.

I called Mr. Castle back, and I told him this, and he said, "All right, do you think you can get help for tomorrow?"

I said, "I think so. I am not sure. I will have to work on it, so we will postpone it until tomorrow."

Q Which was October 5?

A October 5.

Q 1967?

A 1967.

And with that, he said, "Call me back in the afternoon if you can work out something."

And I said, "All right."

And with that, I went ahead and still called around trying to locate men.

In the afternoon I called my brother down in Oxnard who is president of Mercury Van & Storage.

Q What is your brother's full name?

A John R. McEwan, Jr.

Q What did you ask or tell your brother, and what did your brother tell you?

A I told him the situation, and I said, "I am going to have to get some help, and I cannot find it up here."

And he said, "Well, I am slow down here, and I am planning to lay off three or four men. Maybe they would work," [330] and I said, "Will you ask them if they would work for me, would go to work for me seeing that you are laying them off, because you are slow."

And he said, "Yes, I will call you back."

And, later on in the afternoon he did call me back and told me that three of these men had agreed to go to work, and I said, "Well, I need more than that."

And he said, "I will check around and see if I can find more men through the companies in this area and for casual help or employees, and I will call you back in awhile."

He did this, and he did call me back, and with this, we come up with a crew to do the job the next day.

Q All this occurred then on October 4, 1967?

A Right.

Q Do I understand you correctly?

A Yes.

Q What did you then do, sir?

A I called Mr. Castle and told him that we would be able to do the move at eight o'clock on October 5.

Q Were these five men put on your payroll and when were they put on your payroll?

A They were actually put on my payroll for the fifth, but these men were working out of the Oxnard office

to the point that they were being laid off down there—their pay period ends on Thursday evening. Our pay period ends on Wednesday [331] evening, and the reason for this is we send our timecards to Oxnard, and they in turn send them back to us. To get them back by Friday we have to have them in the mail by Wednesday, so we were working these men—they did not get done until 6:30 on October 5. So in this, when it was getting late, past five, I called my brother and told him, I says, "Go ahead and pay these men, and I will remember—and I will reimburse you out of International so that they can get paid for this day, because we cannot get our timecards down there and get them checked. It is impossible."

Q On October 5, 1967, did you take any action or cause any action to be instituted against your former employees that refused to cross the picket line?

A Yes.

I sent wires out. I waited until 10:30 hoping something could be done on this situation in the morning. I waited until 10:30 in the morning, and then I sent the wires they were being permanently replaced because it has been our policy, of course, in the past that if a man did not show up for work why, he was let go. Not for one day, but for two.

Q On October 12, sir, 1967, were you in your office?

A No. It is an impossibility.

Q Did you discuss or have a discussion with Sal Casillas on that day?

A No. This would be an impossibility.

[332] Q Why do you say it was an impossibility?

A Because I was under drugs, and I was not coherent.

* * *

MR. ARRUDA: Your Honor, the parties are prepared to stipulate that Robert L. McEwan, the person who is now testifying was admitted into the Valley Community Hospital here in Santa Maria on October 8, 1967, and he was discharged from the hospital on October 28, 1967.

* * *

[333] Q Did Mr. Vasquez, Manuel Vasquez, Sr. visit you at any time thereafter when you were still confined in the hospital?

A I don't remember if he did.

Q Did Mr. Richard Dicus visit you at the hospital after the two weeks?

A Yes.

Q Do you recall, you, conversing with Mr. Dicus?

A Yes.

Q Can you tell us what was said during this discussion?

A Well, he asked me about how I felt, if they could bring me anything. I told them, no, I did not need anything; that I had everything I wanted in there, and he also said, "Well, I hope that when you get out of here we can get this union situation cleared up so we can go back to work."

And I told him at that time I did not know, because I had [334] been away from the job. I was sick, you know. I did not have no recollection of what was going on.

Q In fact, was this conversation after a very, very serious operation?

A Yes.

Q You were still under heavy sedation?

A I was still under—

Q Heavy sedation?

A Yes.

Q Did he visit you any time thereafter, and during your stay in the hospital?

A Yes.

Q Do you recall any further discussions you had with him?

A Here again, he come in with his wife, stayed, you know, asked how I was feeling. This was the last week I was in the hospital, and I told him that I was doing pretty good, that I still had pain; I was still not getting much sleep or eating.

Q Who was running your operation or, rather, your plant operation during your stay in the hospital?

A My father.

Q This was during the month of October?

A Yes.

Q After your discharge from the hospital, where did you go, and what did you do?

A I went down to Oxnard, California to stay with my mother [335] for six days for recuperation.

Q Did you come back to Santa Maria and what date did you come back?

A I came back to Santa Maria on Friday, the 3rd of November, because I had a doctor's appointment on that day, with my doctor in Santa Maria.

Q Mr. McEwan, you heard testimony that you have a son, Robert McEwan.

Is that Robert G?

A John G.

Q John G. McEwan, Jr.?

A No.

John G. McEwan; there is no Jr.

Q And that he was employed by you during the summer months?

A This is correct.

Q Was he paid on an hourly wage rate?

A Yes.

Q How did you consider this gentleman?

A He was just a helper, just like anybody else.

Q Did he have any supervisory status?

A No.

* * *

[338] MR. ARRUDA: That is a copy.

TRIAL EXAMINER: Mr. McEwan, I show you what purports to be the Petition in Case Number 31-RC-666, and I ask you if you received a copy of that paper from the National Labor Relations Board in the mail?

I am sure you have.

[339] THE WITNESS: Yes.

TRIAL EXAMINER: And we have stipulated here it was filed on September 21, 1967 and received by you on September 25, 1967. That has been stipulated by counsel.

Now, did you ever receive any other written communication from Teamsters Local 381 that it represented a majority of your employees and that it wanted you to recognize it as the exclusive bargaining agent for your employees and wanted to bargain with you for those employees?

THE WITNESS: No.

TRIAL EXAMINER: I asked you about a written communication.

Was there any time when any of the officials of Local 381 came to you at your place of business, home or any place else and told you that they represented your employees and wanted to bargain with you on behalf of those employees?

THE WITNESS: No.

TRIAL EXAMINER: You have told us on the date of October 5, when you went to your place of business, you found that there was a picket of the union, Local 381, out in front of your place of business; is that correct?

THE WITNESS: It was October 4.

TRIAL EXAMINER: On October 4.

MR. ARRUDA: That is what I was going to say just now, Your Honor.

[340] **TRIAL EXAMINER:** This is correct.

Prior to that time was any notice given to you by the union that it would picket you as of a certain time because of any particular reason?

THE WITNESS: No. I have not received in writing or verbal.

TRIAL EXAMINER: Have you ever been informed by the union, Local 381, what you must do in order to have Local 381 remove the picket from in front of your place of business?

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[341] **TRIAL EXAMINER:** Then there was one other question I wanted to ask you, and that had to do with this contract.

You heard the testimony of one of the men here today that in a certain meeting with you they produced a copy of the union contract.

THE WITNESS: Yes.

TRIAL EXAMINER: And presented it to you.

THE WITNESS: Yes, I heard this.

TRIAL EXAMINER: Now, where is the copy of the contract?

MR. ARRUDA: Here.

TRIAL EXAMINER: Let the record show that Mr. Arruda just handed me this and now, is that the copy of the contract which was left with you by one of the former witnesses?

THE WITNESS: Yes. This is the copy of the contract.

TRIAL EXAMINER: Do you recollect the date that you talked with him and he left that with you?

THE WITNESS: September 29—Excuse me.
March 29, 1968.

TRIAL EXAMINER: And on the occasion that it was left with you, was it two of your former employees who called on you or one?

THE WITNESS: Two.

[342] **TRIAL EXAMINER:** That was Mr. Dicus and Mr. Vasquez?

THE WITNESS: This is correct.

TRIAL EXAMINER: I think a copy of that contract was to go into evidence, too, and again, I will say this: if you do not want to put it in, I will put it in.

MR. ARRUDA: Respondent will introduce as Respondent's Exhibit Number 3, the contract.

Q (By Mr. Arruda) That was a copy of the contract that was handed to you, Mr. McEwan, on March 29?

A Yes.

MR. ARRUDA: I ask leave, Your Honor, to submit the photostatic copies.

TRIAL EXAMINER: Yes.

I will give you leave to withdraw it.

Perhaps the Union has another copy, and they will supply it to you.

MR. ARRUDA: May the record show that I am handing Mr. Sanders of Local 381, secretary-treasurer, these exhibits, and he has graciously agreed to make copies for me, and I will have these available, I believe.

TRIAL EXAMINER: They have been offered in evidence by Mr. Arruda, and is there any objection to their receipt in evidence?

MRS. ROBBINS: No objection.

TRIAL EXAMINER: There being no objection to the receipt [343] in evidence, Respondent's Exhibit Number

8 is received in evidence and marked as Respondent's Exhibit Number 3.

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CROSS-EXAMINATION

Q (By Mrs. Robbins) After October 4, 1967, Mr. McEwan, did you ever have any discussion with Mr. Sal Casillas about his paycheck?

A Not about his paycheck, no.

Q Did you have a discussion with him about anything?

A Yes.

I had a discussion with him about—he come to the office and—

Q When was this?

A This was in the latter part of November.

[344] Q As nearly as you can recall, what was said?

A What was said?

Q Yes.

A I did not hear you. I am sorry.

What was said?

Q Right.

A He come in and told me he could not stay out on strike any more, that these other men had wives working, that he did not have a wife working and that he had to go back to work and he asked if he could be put on an availability list of my company.

Q Did you say anything?

A Yes.

I told him, yes, that I would put him down as jobs come in, that we could use him on things, and, why, we would call him.

Q As I understand it, then, have you called Mr. Casillas?

A No, I have not had occasion to.

Q This was the latter part of November?

A Yes.

.

[348] Q Would you tell me the names of the five people that your brother recommended come down from Oxnard?

A Harold Mitchell.

Q Harold Mitchell?

A Yes.

There was Gary Hoffman.

There was—I can't remember this man's last name.

Q What is his first name?

[349] A Blaine, B-l-a-i-n-e.

Q Who were the other two, and we will see if we can find the last name.

A Well, one man—well, these are the only ones I got from my brother, but he contacted and got the other men from other companies.

Q Yes?

A Right offhand I can't remember their names. I just cannot.

Q Was that Blaine Burlington?

A Yes.

TRIAL EXAMINER: Will it refresh his recollection regarding who these men were if you had a look at the payroll for that period?

THE WITNESS: Yes, it is possible, sir.

TRIAL EXAMINER: It is impossible or possible?

THE WITNESS: It is possible.

MRS. ROBBINS: I have a few questions I can ask him that may be helpful.

Q (By Mrs. Robbins) Was it James Pilkington?

A No. He was a local man.

Q What about Ron Mengus? M-e-n-g-u-s.

A Mengus was a local man.

MR. ARRUDA: I think that is M-e-n-g-u-s. I do not intend to interfere.

MRS. ROBBINS: I think I can refresh his memory, Mr. [350] Arruda.

Q (By Mrs. Robbins) Was Dean Matthews one?

A No. This man was—if I can remember, and here again I think this man was brought up from San Diego. He come up here, and we put him to work.

Q What about Kenneth Lally, L-a-l-l-y, was he one?

A This one I don't even remember.

Q Robert Campbell, was he one?

A This I can't tell you.

No, as far as I know.

Q Tommy Thompson?

A No.

Tommy Thompson is a local man.

Q Welby Murray?

A I don't know about this man, no.

Q Harold Rendon?

A No, I cannot say this man either.

Q Alexander Camillo?

A I don't know.

Q Al Macey?

A No.

I can't remember these names you are talking about on these men except for the ones I have named.

Q Ysmael Contreras, Y-s-m-a-e-l?

A This is one of the men, yes. He works for another company [351] in Oxnard. We call him Easy.

* * *

[397]

ROBERT McEWAN

was recalled as a witness and, having been previously sworn, was examined and testified further as follows:

TRIAL EXAMINER: As I told you, Mr. McEwan, if you are uncomfortable at any time due to your illness, just let me know and I will give you a little chance to step out.

THE WITNESS: Thank you.

TRIAL EXAMINER: Go ahead.

DIRECT EXAMINATION

Q (By Mrs. Robbins) Mr. McEwan, how soon after you were released from the hospital did you start going back to your office?

A It was better than a week. I went down to Oxnard for a week.

Q All right.

And I believe it was the latter part of October that you were released from the hospital?

A The 28th of October.

Q Directing your attention to November of 1967, did you have any conversation with a Jim Smith from the Teamsters [398] Joint Council?

A Yes.

Mr. Smith was in to talk to me.

Q All right.

Where did this conversation take place?

A In my office.

Q Was anyone else present?

A Mr. Vasquez.

Q Is that Manuel Vasquez, Sr.?

A Yes.

Q As nearly as you can recall—let's see if we can place the date closer than a month.

A I don't remember.

As far as I remember, it would be the latter part of November, but I don't recall the date. I have no idea.

Q All right.

As near as you can recall, what was said in this conversation, Mr. McEwan?

A As nearly as I can recall, Mr. Smith said he would like to talk. He said that he had come in from the International Union and that he had to go back with a report to the International as to what progress and what things were happening in this area; and that he could make out a contract above and beyond the Local Union.

Q And what else was said?

[399] A I don't know.

Q Did you not say anything at all, Mr. McEwan?

A I told Mr. Smith, at that time, I was not physically or mentally well enough to really discuss anything about it.

. . . .

[405]

MANUEL VASQUEZ

was called as a witness in rebuttal by and on behalf of the General Counsel and, having been previously sworn, was examined and testified as follows:

. . . .

[406] Q Mr. Vasquez, directing your attention to November of 1967, did you and Mr. James Smith have a conversation with Mr. Robert McEwan?

A Yes, we did.

* * * *

A Me and Mr. Jim Smith and Mr. Frank Vasquez walked into Mr. McEwan's office, and I introduced Mr. Smith to Mr. Bob McEwan. Then Mr. Smith told him who he was and what he was [407] there for.

Q What did he say?

A Mr. Smith told Mr. McEwan that he was there to see if we couldn't reach some kind of settlement with the strike, and see if we could sign a contract. He told them that he knew that the majority of the employees had signed authorization cards. Mr. McEwan told him that; that he wasn't feeling too good; that he was feeling not up to par; that he didn't think he could do anything at that time.

Q Do you recall anything else that was said, Mr. Vasquez?

A No.

* * * *

[410]

FRANK VASQUEZ

was called as a witness in rebuttal by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

* * * *

[411] Q (By Mrs. Robbins) Mr. Vasquez, are you the same Frank Vasquez that had a conversation with Mr. Robert McEwan and Mr. Jim Smith and Mannie Vasquez, Sr. in November?

A Yes, I am.

Q Do you recall the date of that conversation?

A I don't recall the exact date, but during the conversation—I don't know the dates—Mr. McEwan mentioned that he was recuperating from major surgery. I imagine it was within a week or ten days after he left the hospital.

Q All right.

As nearly as you can recall, would you tell us what was said during this conversation?

A Well, Mr. Manuel introduced Mr. Smith.

Q Well, what did he say?

A Well, he walked in and shook hands and said hello. Mannie said, "I would like to introduce Mr. Jim Smith who is from the International."

Then Mr. Smith introduced himself.

[412] **Q** Do you recall what he said?

A Mr. Smith said that he was from the Joint Council and that he had come in to sit down and talk with Mr. McEwan and try to get a settlement on this strike.

Mr. McEwan answered that he wasn't feeling very well and that he wasn't in any condition to talk about the activities—well, the labor strike. Then Mr. Smith told him that he wouldn't keep him very long; that he had come in prepared to sit down and make a settlement that would be something that maybe Mr. McEwan might be able to agree to.

Mr. McEwan then answered that he didn't think that he would be able to live with any type of a union contract. That was about all of the conversation that I can recall.

Q Was anything said about authorization cards?

A Yes.

Just at the start of the conversation, Mr. Smith told Mr. McEwan that the men that were working there had a majority of cards signed. I don't recall what Mr. McEwan answered to that.

* * *

[413] **A** He told me that—well, he told Mr. Manuel Vasquez and I that he had come down to act as sort of an inbetween to see if he could sit down and talk with Mr. McEwan; and see if he could negotiate a contract; and that he had the power to make some kind of a settlement.

* * *

[416] **A** I was at the union hall that day when Mr. Smith came in and I was introduced to him. Mr. Manuel Vasquez asked me if I would like to come along and talk

to some of the employers and see if we couldn't come to some kind of an agreement with them.

.

[417] MRS. ROBBINS: I would like to have these marked as General Counsel's next in order, A, B, and C.

(The documents above-referred to were marked General Counsel's Exhibit Nos. 10-A, B and C for identification.)

TRIAL EXAMINER: Let the record show that some documents are being marked General Counsel's Exhibit Nos. 10-A, B and C. These are being marked General Counsel's 10-A, B and C.

MRS. ROBBINS: General Counsel will now offer in evidence [418] General Counsel's Exhibit 10-A, B and C.

TRIAL EXAMINER: I would like to have you tell us what General Counsel's 10-A is and what 10-B is.

MRS. ROBBINS: Yes, sir.

Some of the things apply to all of them and I would like to make a statement about that.

General Counsel's 10-A through 10-C gives information taken from Respondent's payroll records which were furnished to General Counsel earlier in the hearing. General Counsel's 10-A is a three-page document, showing hours worked daily by employees of Respondent, beginning during the week ending July 6, 1967, and continuing through the week ending October 11, 1967. There is no information for the first few days of July when Respondent took over the business. Apparently, those timecards were not available.

TRIAL EXAMINER: Well, what does this document show as to the employment of people immediately preceding the time of the strike?

MRS. ROBBINS: It shows who was employed and what days they worked.

General counsel, as I indicated in the beginning—well, there are two things that this document show that are relevant to this hearing. First, it shows when any replacements started working from the payroll records. It further is needed to establish the question of a majority,

since we are asking [419] for a bargaining order, as indicated earlier.

It is General Counsel's position that this is the type of business that requires a formula for determining those eligible to select for bargaining representative. The formula that General Counsel contends is the correct formula depends upon the number of days worked during the peak season. For that reason, this goes into the actual days worked, everyone employed by Respondent during the peak season.

.

MR. ARRUDA: Your Honor, may I also bring to your attention that on October 5 these replacements were actually put to work. They were paid by Mercury and were carried on Mercury's payroll at Oxnard. That was testified to by Mr. McEwan. They were subsequently paid by—

MRS. ROBBINS: The only thing these records purport to do is show what the payroll records show.

TRIAL EXAMINER: Well, I, of course, would like to find out those that worked immediately prior to the strike and who came to work as replacements immediately after the strike. [420] That is my principle worry about this matter.

MRS. ROBBINS: General Counsel's 10-A will show that, Your Honor, on the third page.

TRIAL EXAMINER: Now, as I look at the last page here, you mention something on the third page of General Counsel's Exhibit No. 10. If you will look at that with me, I want to be sure I understand these documents.

There are figures which indicate that Robert Campbell, Kenneth Lally, Dean Matthews, Ron Mengus, James Pilkington and Tommy Thompson worked some hours after October 5.

.

MR. ARRUDA: Your Honor, Respondent just informed me that as he testified to, that the three replacements brought [421] down from Oxnard on the 5th were paid by his brother's operation in Oxnard; and that the end of the period, Respondent went ahead and reimbursed his brother.

TRIAL EXAMINER: When you talk about replacements—

MR. ARRUDA: That is right. He has testified to that.

TRIAL EXAMINER: Now, I am talking about replacements and I have heard some names mentioned here and the claims were made that they were replacements. Now, where do the names appear on this payroll record immediately after the strike?

MRS. ROBBINS: They don't, Your Honor.

TRIAL EXAMINER: Do the names that were mentioned here earlier ever appear on the payroll records?

MRS. ROBBINS: Yes, Your Honor, at a later time, they do. On General Counsel's 10-B.

MR. ARRUDA: Your Honor, Mr. McEwan testified that Mr. Mitchell, Hoffman, Burlingame and a fellow names Easy, and a fellow names Dan Cross were the replacements.

TRIAL EXAMINER: All right.

But they don't appear on GC10-A.

MRS. ROBBINS: No.

TRIAL EXAMINER: All right.

Go on to your next exhibit.

MRS. ROBBINS: General Counsel's 10-B shows the hours worked by Respondent's employees during each week beginning October 11, 1967 and continuing through November 29, 1967, [422] except for the week ending November 22. Respondent did not have available any payroll records. That column is blank. There are two names on the first page of this exhibit that appear, from prior testimony by Mr. McEwan, are the same person. Ishmael Contreras and a person that is identified on the payroll record only as Easy. These appear to be the same person.

The purpose of this exhibit is to show that after Mr. Cassius applied for reinstatement, Respondent did hire new people.

.

[424] TRIAL EXAMINER: General Counsel's 10-A, consisting of three pages is received in evidence.

(The document above-referred to, heretofore marked General Counsel's Exhibit No. 10-A, was received in evidence.)

* * *

[425] MRS. ROBBINS: All right.

General Counsel's 10-B is also taken from Respondent's payroll records and it shows the number of hours worked weekly by the various employees of the Respondent, beginning in the week ending October 11, and continuing through the week ending November 29, with the exception of the week ending November 22, for which Respondent had no payroll records available. That column is blank.

The purpose of this is to show that after Mr. Sal Casius asked for reinstatement, other new employees were hired by Respondent.

* * *

[426] (The document above-referred to, heretofore marked General Counsel's Exhibit 10-B, was received in evidence.)

* * *

[427] MRS. ROBBINS: The stipulation I am proposing is that during the period covered by General Counsel's 10-A, up to October 4, both Mr. Richard Dykus and Manuel Vasquez worked as salaried employees, and they worked regularly every day [428] during this period.

MR. ARRUDA: I will stipulate to that, Your Honor.

TRIAL EXAMINER: All right.

The stipulation is accepted.

MRS. ROBBINS: General Counsel's 10-C is merely a recapitulation of the number of days worked by employees of Respondent as shown on General Counsel's 10-A. That shows the number of days worked as of September 21, 1967, which, I believe, Your Honor had indicated you might consider as a critical date—the date the petition was filed. It also indicates the number of days worked as of October 5, 1967, which, I might urge, as being a critical date.

TRIAL EXAMINER: Any objection to the receipt of this document in evidence?

MR. ARRUDA: No objection.

The petition for election, I believe, was filed on September 21, 1967, and not on September 27.

MRS. ROBBINS: If I said that, it was a mistake. What it shows is September 21.

TRIAL EXAMINER: The document is received in evidence.

(The document above-referred to, heretofore marked General Counsel's Exhibit 10-C, was received in evidence.)

. . . .

WESTERN UNION

SYMBOLS
DL - Day Letter
NL - Night Letter
LT - Letter Telegram

WESTERN UNION TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. MARSHALL
PRESIDENT

The time shown in the line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination.

LDC PD-SANTA MARIA CALIF 9 1157A PDT- ~~SECRET~~ 5 11 41
MANUEL A VASQUEZ

329 NORTH BEN WILEY SANTA MARIA CALIF

FOR FAILURE TO REPORT TO WORK AS DIRECTED AT 7AM ON
WEDNESDAY OCT 4 1967 YOU ARE BEING PERMANENTLY REPLACED-
INTERNATIONAL VAN LINES-

51961 not known

LDOO2 PD=SANTA MARIA CALIF 5 1137A PST=

MANUEL A VASQUEZ=

329 NORTH BENWILEY SANTA MARIA CALIF=

ROBERT VASQUEZ=

821 SIERRA MADRE SANTA MARIA CALIF=

RICHARD L DICUS=

715 EAST CAMINO COLEGIO SANTA MARIA CALIF=

FOR FAILURE TO REPORT TO WORK AS DIRECTED AT 7AM ON
WEDNESDAY OCT 4 1967 YOU ARE BEING PERMANENTLY REPLACED=
INTERNATIONAL VAN LINES=

110 3

WESTERN UNION TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. McFALL
PRESIDENT

DAY LETTER	DAY LETTER
NIGHT LETTER	NIGHT LETTER
INTERNATIONAL	INTERNATIONAL
DAY TELEGRAM	DAY TELEGRAM

OF SERVICE
in its deferred character
is indicated by the
symbol.

The time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

LD4 PD=SANTA MARIA CALIF 5 1137A PDT= 1967 OCT 5 AM H 41
 RICHARD L DICUS= 715 EAST CAMINO COLEGIO SANTA MARIA CALIF=
 FOR FAILURE TO REPORT TO WORK AS DIRECTED AT 7AM ON
 WEDNESDAY OCT 4 1967 YOU ARE BEING PERMANENTLY REPLACED=
 INTERNATIONAL VAN LINES=

630-09 20 1130

5	NC.
5	BY

Authorization for Representation Under the National Labor Relations Act

I, the undersigned employee of

Company: *International Van Lines*

Address of Company: *2756 Lindstrand U. av*
 authorize TEAMSTERS AND WAREHOUSEMEN LOCAL No. 38 to
 represent me in negotiations for better wages, hours and working conditions.



(PLEASE PRINT)

Name: *Richard h. Diez* Date: *Aug 23-67*

Home Address: *715 E. Camino Del Rio* CITY AND HOME NO. *San Diego*

Social Security Number: *463-12-1887* Phone: *WA. 50039*

Classification: *Driver* Shift: Day _____ Swing _____ Graveyard _____

Present Wage Rate: *\$4.84* 150 per hour

I UNDERSTAND THIS CARD IS STRICTLY CONFIDENTIAL

Signature: *Richard Diez* C.C.E.

Authorization for Representation Under the National Labor Relations Act
I, the undersigned employee of



Company: International Union of
Address of Company: 2136 Industrial Way
authorizing TEAMSTERS AND WAREHOUSEMEN LOCAL No. 381 to
represent me in negotiations for better wages, hours and working conditions.

(PLEASE PRINT)

Name Robert Vazquez Date 8/22/67
Home Address 221 E. Sierra Madre San Antonio, TX
CITY AND ZONE NO.
Social Security Number 517-20-4287 Phone 56055
Classification RUC-Drummer Package Shift: Day X Swing Graveyard
Present Wage Rate \$2.75

I UNDERSTAND THIS CARD IS STRICTLY CONFIDENTIAL

Signature Robert Vazquez
8/26/67

GENERAL COUNSEL'S EXHIBIT No. 7

Authorization for Representation Under the National Labor Relations Act
I, the undersigned employee of

Company INTERNATIONAL VAN LINES

Address of Company 2756 Industrial Way
authorize TEAMSTERS AND WAREHOUSEMEN LOCAL No. 381 to
represent me in negotiations for better wages, hours and working conditions.



(PLEASE PRINT)

Name Manuel A. Vasquez Date Aug. 23, 1967

Home Address 329 N. Ben Wiley Santa Maria
NUMBER AND STREET CITY AND STATE

Social Security Number 562-24-8081 Phone 5-7861
graveyard

Classification WAREHOUSE MAN Shift: Day X Sw

Present Wage Rate \$15.00 WEEKLY

I UNDERSTAND THIS CARD IS STRICTLY CONFIDENTIAL

Signature Manuel A. Vasquez
G.C. 7

ED-3

Authorization for Representation Under the National Labor Relations Act
I, the undersigned employee of



Company: International Van Lines
Address of Company: 2756 Industrial way
authorize TEAMSTERS AND WAREHOUSEMEN LOCAL No. 381 to
represent me in negotiations for better wages, hours and working conditions.
(PLEASE PRINT)

Name Daniel Deuss Date Aug. 23, 1960
Home Address Box 916 Cal Poly Indio
NUMBER AND STREET CITY AND ZONE NO.
Social Security Number 529-72-5473 Phone 549-4472
Classification Helper - Packing Shift: Day ☒ Swing ☐ Graveyard ☐
Present Wage Rate \$1.50

I UNDERSTAND THIS CARD IS STRICTLY CONFIDENTIAL

Signature Daniel Deuss
G. C. 8

Authorization for Representation Under the National Labor Relations Act
I, the undersigned employee of

Company: INTERNATIONAL VAN LINES, INC.

Address of Company: 2756 JARDIN DE FRANCE AVE. S.W.
authorize TEAMSTERS AND WAREHOUSEMEN LOCAL No. 381 to
represent me in negotiations for better wages, hours and working conditions.



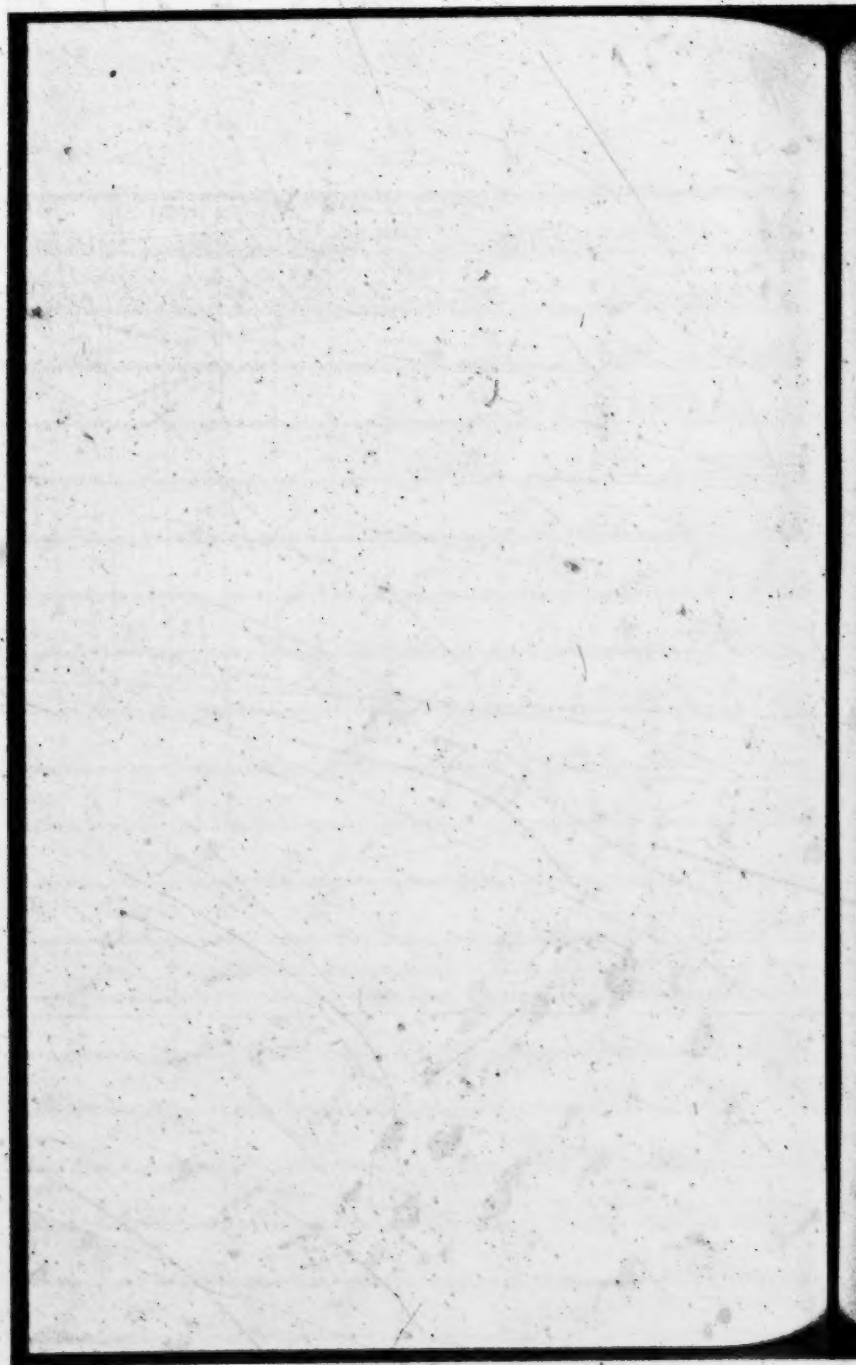
(PLEASE PRINT)

Name: DAVID PONCELT Date: 9/1/61
Home Address: 519 W. PETERS Santa Ana, Calif.
CITY AND ZONE NO.
Social Security Number: 541-66-3201 Phone: 552-64
Classification: _____ Shift: Day ☒ Swing _____ Graveyard _____
Present Wage Rate: \$2.50

I UNDERSTAND THIS CARD IS STRICTLY CONFIDENTIAL

Signature: David Poncelet
G.C. 9





[158] THE WITNESS: Well, we were told at this meeting, October 3, that International Van Lines, Bear Van Lines, and that is B-e-a-r, and Valley had withdrawn their consent for an election, and everybody was in an uproar; and we just decided, well, they don't want to consent to an election. We are going to go on strike, and we all started making up picket signs that night. And the next morning we went on strike.

TRIAL EXAMINER: Did you see the picket signs out there? Did you see them?

THE WITNESS: Right.

TRIAL EXAMINER: What is your recollection of what the picket signs said?

THE WITNESS: It said, "Unfair To Teamsters 381, No Election. Why?"

* * *

Q (By Mr. Robbins) Following October 4, 1967, did you have a conversation with any of the McEwans regarding the union or the strike or getting your job back?

A Yes, I did. I had a conversation with Mr. Bob McEwan.

Q When was this?

A I think it is some place—let's see. Some time in [159] October, the 12th, I think. I am not going to swear. Some time in October, the first meeting.

Q But this was after October 4?

A That is correct.

Q Where did the conversation take place?

A In his office; in the front office, I should say.

Q Was anyone else present?

A No, there was not.

Q As nearly as you can recall, what was said?

A Well, we talked about the—I went to ask for a job and he—no—first of all, what happened, I went to get my check, you see.

They had made a mistake. He owed me some time and a half, and he said, "Well, I will take care of it as soon as possible," and I asked him what he thought about this union strike.

He did not think much of it, just he was a nervous wreck. He had to have some shots of some kind. He was

pretty sick, and I asked him why you—why he would not sign the contract, union contract.

He says, "Well, those kind of hoodlums in Teamsters 381," he says, "I won't sign anything, you know." And this is regular shop talk.

. . . .

[161]

CROSS-EXAMINATION

. . . .

[165] Q You testified that you heard a conversation between Mr. McEwan and Mr. Dicus and a few employees about signing an agreement or contract, and, "Hell, no, he would not sign a contract."

. . . .

[174] Q (By Mr. Arruda) Did you receive a telegram from the company telling you you would be replaced?

A No, I did not.

. . . .

[175]

MANUEL VASQUEZ

was called as a witness by and on behalf of the General Counsel

. . . .

DIRECT EXAMINATION

. . . .

[176] Q You are the same Manuel Vasquez that worked for International Van Lines and signed a union authorization card?

A Yes, I am.

. . . .

[182] Q Did you go out on strike on October 4, Mr. Vasquez, in 1967?

A I don't know what you mean. I went out on strike. I reported for work.

Q Did you work?

A No, I did not.

Q Was the picket line up when you reported to work?

A Yes, it was.

Q And you did not cross the picket line?

A That's right.

Q You still have not crossed the picket line?

A That's right.

Q You are the Manuel Vasquez, Senior, that received a telegram from International Van Lines on October 5?

A Yes, I was—I am.

Q Did there come a time when you asked to have your job [183] back with International Van Lines?

A On October 12 I went back to ask for my job—I mean on December 12 I went back and asked for my job back.

Q Whom did you ask?

A Mr. McEwan.

Q That is Robert McEwan?

A Robert McEwan.

Q Where did this conversation take place?

A In his office.

Q Who was present?

A Mr. Richard Dicus.

MR. ARRUDA: To expedite this matter—

TRIAL EXAMINER: Just a minute now, please.

MR. ARRUDA: Respondent will stipulate as to the conversation had with Mr. McEwan on December 12 with Richard Dicus and Robert Vasquez as the same that would be testified—that has been testified to by Robert and Richard Dicus.

MRS. ROBBINS: Let me just ask Mr. Vasquez this:—

TRIAL EXAMINER: In the previous stipulation, wasn't this the stipulation extended to three individuals who had testified to this?

MR. ARRUDA: That is what I am stipulating to now, sir.

TRIAL EXAMINER: Yes. Well, I thought you named just two now.

MR. ARRUDA: Manuel Vasquez, Robert Vasquez and Richard [184] Dicus. I understand from their testimony that they appeared at the Respondent's place of business on December 12 and asked to be reinstated.

TRIAL EXAMINER: All right. Good.

Q (By Mrs. Robbins) Mr. Vasquez, you heard the testimony of Mr. Richard Dicus and Mr. Robert Vasquez?

A Yes, I did.

Q Did you not?

A Yes.

Q Would your testimony differ in any respect from their testimony as to the conversation with Mr. McEwan on December 12?

A No. It is about the same.

TRIAL EXAMINER: The stipulation as to the remainder of the testimony of this conversation of this witness is accepted.

Q (By Mrs. Robbins) Had you had another conversation with Mr. McEwan between October 4 and December 12?

A I went to see Mr. Robert McEwan at the hospital. I just don't recall the exact date.

Q Do you recall what month it was?

A I think it was about October 20, or something like that.

Q Was anyone else present?

A No, there was not.

Q As nearly as you can recall, what did you say to Mr. McEwan, and what did he say to you?

[185] A Mr. McEwan was in the hospital, in the Valley Community Hospital, and I went to see him. It was on a Sunday, and I went in there and told him that me and the boys had talked about going back to work, and we would like to know how he felt about it.

He told us that—he told me that he was not in a position at the time to talk about going back to work, and that after he got a little better we could talk, that his door would always be open any time we wanted to talk about it.

Q Did you attend the various union meetings in August, September and October, Mr. Vasquez?

A Yes, I did.

[210] MRS. ROBBINS: Counsel for Respondent and I have agreed upon two stipulations.

One, that International Van Lines is a corporation owned by two brothers, Robert McEwan and John R. Mc-

Ewan, Jr. Robert McEwan owns 30% of outstanding stock in the company.

John R. McEwan, Jr. owns 70% of the outstanding stock in the company.

The president of the company is Robert McEwan.

The vice-president is John R. McEwan, Jr.

The secretary-treasurer is Harold Dikes, D-i-k-e-s, and, Mr. Arruda, is it true that Mr. John McEwan does not daily participate in the operations of the business?

MR. ARRUDA: No, he does not.

MRS. ROBBINS: All right.

And that John McEwan does not participate in the day-to-day operations of the business.

* * *

[211] MRS. ROBBINS: A second stipulation has to do with the wording of the picket signs at International Van Lines.

The signs are large cardboard affairs that have been printed on them "Unfair to Teamsters Local 381."

Now, some of the signs only have this printed matter that appears on all of the Union's picket signs. Others also have [212] handwritten or hand-printed in addition to the "Unfair to Teamsters Local 381," the following wording.

One, "No elections. Why?"

Another picket sign, "No Contract."

Another sign, "Big Money For Attorneys. Nothing For Us."

TRIAL EXAMINER: It is so stipulated, Mr. Arruda?

MR. ARRUDA: So stipulated, Your Honor.

TRIAL EXAMINER: The stipulation is accepted.

* * *

[240]

MANUEL VASQUEZ

was recalled as a witness by and on behalf of the Respondent, and, having been previously duly sworn, resumed the stand and testified further as follows:

* * *

DIRECT EXAMINATION

[241] Q Mr. Vasquez, did you and Mr. Richard Dicus on March 28, 1968, at approximately 2:00 p.m. in the afternoon meet with Mr. Arley Moore, son of Wilmer Moore of Valley Van & Storage?

A We did.

Q You did?

[248] THE WITNESS: The reason we went to see Mr. Moore, we were trying to get the strike settled and see if we could get a contract signed so that we could all go back to work.

CROSS-EXAMINATION

THE WITNESS: We went to Mr. Moore's office, and we told him that we were there to see if we could get this strike [249] settled and contract signed, and we told him that we had been to see McEwan at his office. We had been there for the same purpose as we were for Mr. Moore, and that we were fed up with this strike and everybody has been out of work and we all wanted to go back to work, and we asked Mr. McEwan—we went over to his office, if he would sign a contract and put us all back to work, and we told him that there was no—we did not think there was any reason why we could not sit down and talk about it, and try to make a settlement of some kind.

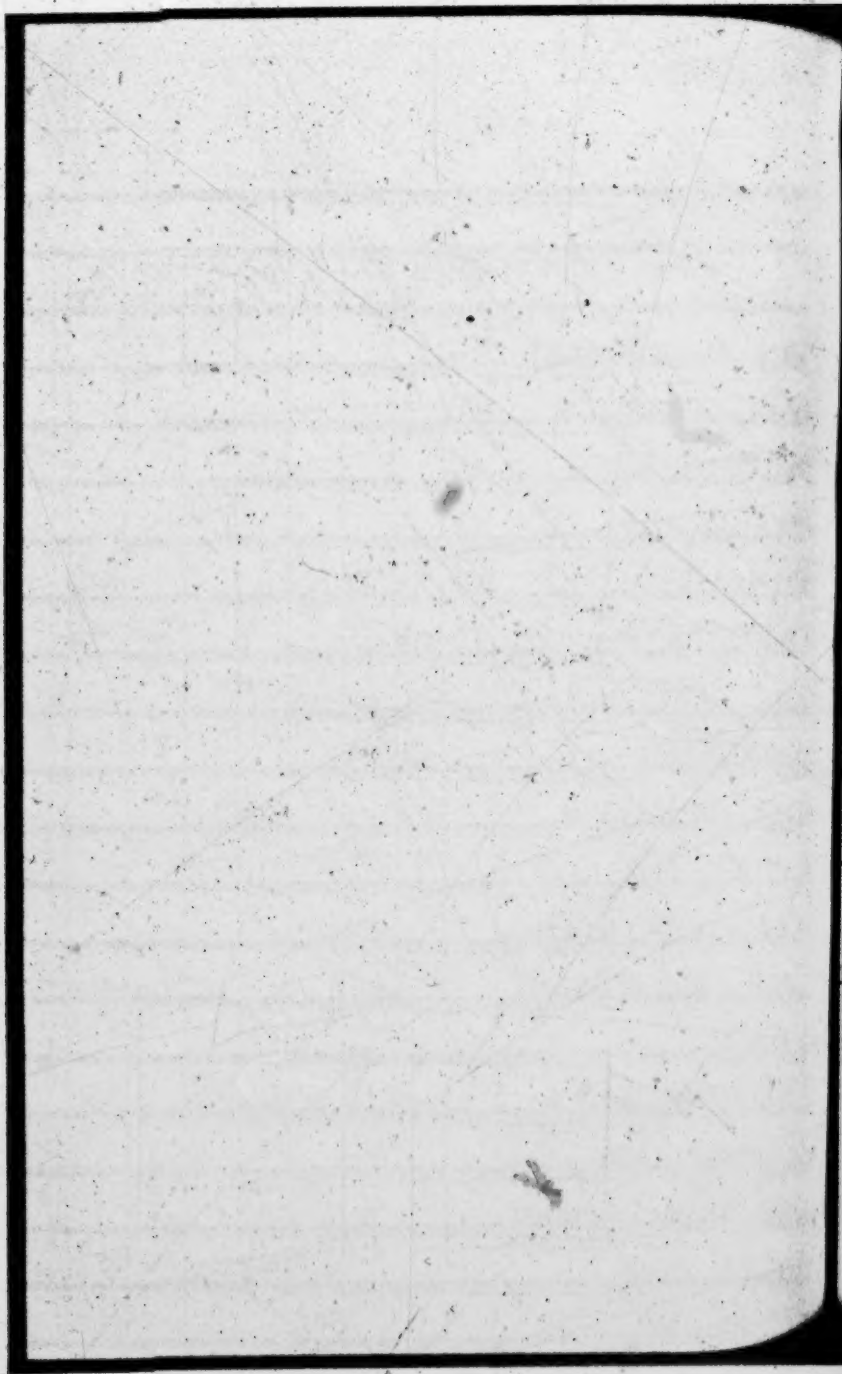
[251] TRIAL EXAMINER: And you asked him about settling this strike and signing the contract?

THE WITNESS: Yes.

[252] THE WITNESS: We went to Mr. Moore's office, and we told him that we wanted to have this strike settled and that maybe we could sign a contract and get the strike over with.

He said maybe we could sign a contract and get the strike over with and all of us come back to work, and

	10/11	10/10	8/25	11/1	11/8	11/15	11/20	11/30	
CAMPBELL, ROBERT	8 $\frac{1}{4}$								
LALLY, KENNETH	25 $\frac{1}{4}$								
MATTHEWS, DEAN	23 $\frac{1}{4}$								
GENEUS, RON	9 $\frac{1}{2}$								
PILKINGTON, JAMES	10 $\frac{1}{2}$	51 $\frac{1}{2}$	35 $\frac{1}{2}$					40 $\frac{1}{2}$	
THOMPSON, TOMMY	50 $\frac{1}{2}$	24 $\frac{1}{2}$	7 $\frac{1}{2}$					17 $\frac{1}{4}$	
CONTRERAS, YSMAEL	35								
BARRY, WELBY	20 $\frac{3}{4}$								
PILKINGTON, JIM	51 $\frac{1}{2}$			51	47 $\frac{1}{2}$	51			
RINDON, HAROLD	11	8 $\frac{3}{4}$							
BURLINGTON, BLAINE		29 $\frac{1}{2}$							
QUILLO, ALEXANDER		9 $\frac{1}{2}$							
FRAN		21 $\frac{1}{2}$							
HOFERMAN, GARY		21 $\frac{3}{4}$	47	64	40 $\frac{3}{4}$			35	
MARTIN, AL		7 $\frac{1}{2}$							
DELL, GARY (from VAN DYKE)		8							
SALEN, BOB				17	44 $\frac{1}{4}$	45		35 $\frac{3}{4}$	
PIERCE, ED				32 $\frac{1}{4}$					



	"1	"1/8	"1/5	"1/32	"1/2
SWAYZE, BOB	18	10 1/2	8		15
WHEELER, FRED	8 1/2				10 1/2
BORREL, RONALD		3			
CLARK, JODY			11		27 1/4



SUPREME COURT OF THE UNITED STATES**No. 71-895****NATIONAL LABOR RELATIONS BOARD, PETITIONER****v.****INTERNATIONAL VAN LINES****ORDER ALLOWING CERTIORARI, Filed February 28, 1972**

The petition herein for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit is granted.